

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****124****CR-3939-2024 (O&M)****Date of Decision : 07.11.2024**

Neelam (deceased) through LRs

....Petitioners

VERSUS

Rano Devi and Others

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Vishal Aggarwal, Advocate for the petitioners.

Mr. Vipin Mahajan, Advocate for the respondents.

ALKA SARIN, J. (Oral)**CM-19170-CII-2024**

1. Learned counsel for the parties are *ad idem* that instead of hearing the instant application, the main case itself may be heard on merits. Accordingly, on joint request of learned counsel for the parties, the main case itself is taken on Board today for hearing.

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2. Present revision petition has been filed under Article 227 of the Constitution of India challenging the order dated 28.05.2024 whereby the application filed by the petitioners under Order I Rule 10 of the Code of Civil Procedure, 1908 has been dismissed at the appellate stage.

3. Learned counsel for the petitioners would contend that the petitioners are *bonafide* purchasers and though an application has been filed under Order I Rule 10 CPC, however, they do not want to file any written statement or lead any evidence in this regard. Learned counsel for the

petitioners would further contend that if permitted to join the proceedings the counsel for the petitioners would only address arguments before the First Appellate Court on the basis of the pleadings and the evidence which has been led by their vendor.

4. Learned counsel for the respondents on instructions from Hardeep Kumar, plaintiff-respondent No.4 herein, who is present in Court and is the only contesting respondent, states that the petitioners in the present case are purchasers *lis pendens* and are not *bonafide* purchasers but be that as it may in order to avoid any further delay in the proceedings he states that he would have no objection to the petitioners joining the proceedings if they are not permitted to file any written statement or lead any evidence in this regard.

5. Heard.

6. In view of the stand taken by learned counsel for the parties, the petitioners are permitted to join the proceedings before the First Appellate Court to the limited extent that the counsel for the petitioners would be allowed to address arguments. No application filed by the petitioners for filing any written statement/amendment of the written statement filed by their vendor or for leading any evidence would be permitted. It is further clarified that the petitioners would be allowed to address arguments only on the basis of the pleadings and the evidence as has been led by the alleged vendor of the petitioners herein. Learned counsel for the petitioners has assured this Court that the petitioners would not seek any adjournment for addressing arguments before the First Appellate Court.

7. Present revision petition is disposed off in the above terms.
Pending applications, if any, also stand disposed off.

07.11.2024
jk

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO